



PTO/SB/30 (09-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Do not send a collection of information unless it contains a valid OMB control number.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**Request
for
Continued Examination (RCE)
Transmittal**

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

| | |
|-------------------------------|-----------------|
| <i>Application Number</i> | 09/801,852 |
| <i>Filing Date</i> | March 8, 2001 |
| <i>First Named Inventor</i> | Chiang |
| <i>Art Unit</i> | 1652 |
| <i>Examiner Name</i> | E. Slobodyansky |
| <i>Attorney Docket Number</i> | ON0163 NP |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____
ii. Other _____

b. Enclosed

i. Amendment/Reply
ii. Affidavit(s)/ Declaration(s)

iii. Information Disclosure Statement (IDS)
iv. Other Three-Month Extension of Time

2. **Miscellaneous**
Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a
a. period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
b. Other _____

3. **Fees**
The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
The Director is hereby authorized to charge the following fees, or credit any overpayments, to
a. Deposit Account No. 19-3880

| | | | | | |
|---|------------|----------|----------|--------|----------|
| i. <input checked="" type="checkbox"/> RCE fee required under 37 CFR 1.17(e) | 04/22/2004 | MAHMEED1 | 00000014 | 193880 | 09801852 |
| ii. <input checked="" type="checkbox"/> Extension of time fee (37 CFR 1.136 and 1.17) | 01 FC:1801 | | 770.00 | DA | |
| iii. <input type="checkbox"/> Other _____ | | | | | |

b. Check in the amount of \$ _____ enclosed

c. Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included in this form. For more information about the use of this form, see 37 CFR 1.114.

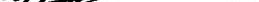
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|-------------------|---|-----------------------------------|----------------|
| Name (Print/Type) | Keith R. Lange | Registration No. (Attorney/Agent) | 44,201 |
| Signature | | Date | April 19, 2004 |

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type) Keith R. Lange
Signature  Date April 19, 2004

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Keith R. Lange
Type or print name

Signature

April 19, 2004
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF
CHIANG ET AL.

Art Unit: 1652
Examiner: E. SLOBODYANSKY

APPLICATION NO: 09/801,852

FILED: MARCH 8, 2001

FOR: DIRECT PRODUCTION OF DESACETYLCEPHALOSPORIN C

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Response to Advisory Action
Filed Concurrently with Request for Continued Examination

Sir:

This is in response to the Advisory Action dated December 10, 2003. A Notice of Appeal was filed in this case on November 19, 2003. Therefore, an Appeal Brief is due January 19, 2004. Applicants file concurrently herewith a Request for Continued Examination and a Petition for a Three Month Extension of Time, with an authorization to charge the fee therefore. Accordingly, the Request for Continued Examination and this Response is due April 19, 2004, and is therefore deemed to be timely filed. The Commissioner is hereby authorized to charge any fees or credit any overpayments to Account No. 19-3880 in the name of Bristol-Myers Squibb Company.

Listing of the Claims begin at page 2 of this paper.

Remarks begin at page 4 of this paper.